



GOVERNMENT OF ANDHRA PRADESH ABSTRACT

Establishment – APGLI Department – APAT – O.A.No.1988 of 2010 filed by Smt.G.M.Kanchana Latha, Senior Accountant, Director of Insurance, Hyderabad – Orders of Hon'ble APAT dated: 01.04.2010 and 07.04.2010 – Not possible to implement – Orders issued.

Finance (Admn-II) Department

G.O.Rt.No. 3034

Dated:30.06.2010
Read the following.

1. G.O.(P).No.189, Finance (Admn-II) Department, dt: 01.07.2006.
2. G.O.Rt.No.3408, Finance (Admn-II) Department, dt: 14.09.2006.
3. Proceedings of APGLI Department.No.603, 604, 606, dt: 15.09.2006 and Proceedings.No.608, dt: 16.09.2006.
4. Combined order dt: 19.11.2009 of Hon'ble APAT., Hyderabad in O.A.No.5902, 5903, 5904 and 5905 of 2006.
5. Govt.Memo.No.2260/357/A2/Admn-II/2009, Finance (Admn-II) Department, dt: 07.01.2010.
6. Proceedings of APGLI Department.No.858, dt: 07.01.2010.
7. Common Order dt: 25.01.2010 of Hon'ble High Court of A.P. Hyderabad in W.P.M.P.No.37233, 37163 & 37340 of 2009 in W.P.No's.28636, 28582 & 28734 of 2009.
8. Representations of Smt.B.S.Vidya Sagar, Superintendent, Smt.S.K.Arifa Begum and Sri.M.Bharath Bushan Senior Accountants, dt: 08.02.2010.
9. Letter.No.116/Admn/A3/2009-10,APGLI Department,dt:24.02.2010.
10. Govt.Memo.No.384/70/Admn-II/2010, Finance (Admn-II) Department, dt: 23.03.2010.
11. Proceedings of APGLI Department No.1085, dt: 26.03.2010.
12. Order dt: 01.04.2010 of Hon'ble APAT in O.A.No.1988 of 2010 filed by Smt.G.M.Kanchana Latha.
13. Order dt: 07.04.2010 of Hon'ble APAT in O.A.No.1988 of 2010.
14. Letter.No.04/Admn/A3/2010-2011,APGLI Department, dt:09.04.2010.
15. Govt.Memo.No.740/125/A2/Admn-II/2010, Finance (Admn-II) Department, dt: 26.04.2010.
16. Letter.No.09/Admn/A3/2010-2011,APGLIDepartment, dt:23.04.2010.
17. Orders of APAT dated: 01.04.2010 in O.A.No1988/2010 file by Smt.G.M.Kanchana Latha.
18. Orders of APAT dated 07.04.2010 in O.A.No1988/2010 file by Smt.G.M.Kanchana Latha.
19. Order dt: 17.06.2010 of Hon'ble APAT in VMAs.No.755/2010 and 968/2010 in O.A.No.1988 of 2010 filed by Smt.G.M.Kanchana Latha.
20. Order dt: 17.06.2010 of Hon'ble APAT in C.A.No.429/2010 in O.A.No.1988 of 2010 filed by Smt.G.M.Kanchana Latha.
21. Letter.No.04/Admn/A3/2010-2011, APGLI Department dt:22.06.2010.

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Smt.G.M.Kanchana Latha was temporarily promoted as Superintendent in place of Smt.B.S.Vidya Sagar who was relieved as per the zonal allotment made in G.O. 1st read above and consequent on the common order of APAT 4th read above. As per the common order of Hon'ble A.P. High Court 7th read above, the representations submitted by Smt.B.S.Vidya Sagar, Smt.S.K.Arifa Begum and Sri.M.Bharath Bushan were examined and they were continued in the Directorate of Insurance vide Memo 10th read above. Consequently Smt.G.M.Kanchana Latha was reverted as Senior Accountant, as per the conditions mentioned in her

promotion order Proceedings.No.892, dated: 19.01.2010. Aggrieved with this she filed O.A.No.1988/2010 in APAT, Hyderabad.

2. In the reference 17th read above the APAT at admission stage ordered that, "having regard to the facts and circumstances obtaining in this case pending admission, there shall be interim suspension of the impugned Memo C.No.384/70/Admn-II/2010, dated: 23.03.2010 and there shall be a further direction to retain and continue the applicant as Superintendent in the 2nd respondent's Office". In the reference 18th read above the interim orders 17th read above have been continued until further orders.

3. The brief history and facts of the case are that, the APGLI Department was bifurcated from Directorate of Treasuries and Accounts w.e.f., 12-01-1962 and initially it had only one office at Hyderabad. Subsequently, four regional offices were created in G.O.Ms.No.32, Finance (Admn-II) Department, dated: 28-1-1976 and later the department was re-organized by establishing (23) District Insurance Offices including 6 Zonal Offices vide G.O.Ms.No. 209, Finance (Admn-II) Department, dated: 17-12-1997 and G.O.Ms.No. 210, Finance (Admn-II) Department, dated: 17-12-1997. In view of the re-organization of the Department by establishing (23) District Insurance Offices, the APGLI Department was organized into Local Cadres in terms of Presidential Order vide G.O. 1st read above. Consequently, based on the recommendations of Allotment Committee, the entire staff members were allotted to Zones and Districts as detailed in the annexure to the above G.O. Among others, the following five employees were allotted to Zones mentioned against them and transfer orders were issued and relieved.

SL.No.	Name of the Employee	Designation	Transferred and Posted to
01.	Smt B. Vidya Sagar	Sr. Acct	D.I.O., Nellore (Zone – III)
02.	Smt J. Rajeshwari	Sr. Acct	D.I.O., Chittoor (Zone – IV)
03.	Smt Sk. Arifa Begum	Sr. Acct	D.I.O., Chittoor (Zone –IV)
04.	Smt P. Revathi Kumari	Sr. Acct	D.I.O., Karimnagar (Zone – V)
05.	Sri M. Bharath Bhushan	Jr. Acct	D.I.O., Hyderabad(Zone– VI)

4. Aggrieved by the above allotment and transfer orders, the above employees have filed O.A.Nos.5902, 5903, 5904 and 5905 of 2006 before the Hon'ble Tribunal challenging their transfers. The Hon'ble Tribunal have granted interim relief vide Order dated: 18.09.2006 and 28.09.2006 to maintain the 'Status-quo' of the individuals. Accordingly, they were allowed to continue in the O/o the Directorate of Insurance. Further, Smt M. Kamala Kumari, Senior Accountant who was allotted to Zone – III was also continued in Directorate of Insurance since, her case is also similar to that of the above individuals.

5. While the above OAs are pending in the APAT, Smt B.S. Vidya Sagar, (SI.NO.1 in the table above) Senior Accountant, approached APAT for promotion and as per the orders of APAT she was promoted as Superintendent in the SC backlog vacancy subject to outcome of the O.A filed by her, which was subsequently dismissed. Similarly, Sri M. Bharath Bhushan, Junior Accountant, (SI.NO.5 in the table above) Applicant in O.A.No.5905/2006 was also promoted temporarily as Senior Accountant subject to outcome of O.A.No.5905/2006 which was subsequently dismissed. Smt. J. Rajeswari, Senior Accountant (SI.No.2 in the table above) has withdrawn her case in O.A.No.5902/2006 filed against the orders of allotment and requested to transfer her to Zone – IV and given promotion. Government have considered her request and she was transferred to Chittoor Zone-IV. She was also promoted as Superintendent.

6. While the position was as above, the main O.As viz, O.A.No.5902, 5903, 5904 and 5905 of 2006 filed by Smt. J. Rajeswari , Smt.Sk.Arif Begum, Smt P. Revathi Kumari, Smt B.S. Vidya Sagar and Sri M. Bharath Bhushan respectively against the orders of allotment have been dismissed by the APAT in their common judgment dated: 19-11-2009 vide reference 4th read above. Accordingly, the above common judgment dated: 19.11.2009 has been implemented and the 3 individuals namely Smt B.S. Vidya Sagar, Smt S.K. Arifa Begum and Sri M. Bharath Bhushan were transferred as per the orders 1st read above and relieved from the Directorate of Insurance. Meanwhile they have filed appeal against the orders of common judgment of APAT and the relief orders of the Director of Insurance. The Hon'ble High Court in their common judgment dated: 25.01.2010, 7th read above, while disposing the W.Ps has ordered as follows:

"Accordingly, these three WPMPS are dismissed. However, having regard to the facts of the case, we deem it appropriate to permit the petitioners to make a representation before the Government within a period of two weeks from the date of this order, and if any such representation is made, the same may be considered and disposed of the same, in accordance with law, within a period of 8 (eight) weeks from the date of receipt of such representation."

7. Accordingly the 3 individuals have furnished representations through CM's Office vide reference 8th read above. Smt B.S. Vidya Sagar in her representation has requested to consider her representation and pass appropriate favorable orders by retaining her at Directorate on the ground that she studied 6th class to Degree at Hyderabad, she was appointed on compassionate grounds, now her children are studying in Hyderabad and her old aged parents are to be looked after. Sri M. Bharath Bhushan in his representation has requested to consider his representation and pass appropriate favorable orders by retaining him at Directorate on the ground that he studied 5th class to Degree at Hyderabad, he was appointed on compassionate grounds, he has unmarried brother who is mentally unsound and mainly dependent on him after the death of his parents. Smt S.K. Arifa Begum in her representation has requested to consider her representation and pass appropriate favorable orders by retaining her at Directorate on the ground that her husband is working at Hyderabad since 20 years, her children are studying, her mother-in-law is a heart patient who needs regular check-up and she has settled at Hyderabad.

8. Meanwhile, Smt M. Kamala Kumari, Senior Accountant who was allotted to Zone – III and continued in Directorate of Insurance based on the interim orders of APAT dated: 18.09.2006 and 28.09.2006 on par with the above three individuals was also relieved with a direction to report in Zone –III to which she was allotted since, earlier she was considered as similar to the above individuals and continued in the Director of Insurance. Aggrieved with this, she has approached A.P.A.T. in O.A.No.12836/2009 for her continuation in present place and the A.P.A.T. in their Interim Orders dated: 24.12.2009 Ordered that, "*There shall be an interim direction to the Respondents to continue the applicant till the disposal of the representation dated: 04.10.2006 made by her for deleting her name in the proceedings No. 603, dated: 15.09.2006*". Accordingly, her case was examined and she was continued in the Directorate of Insurance vide Govt.Memo.No.2260/357/A2/Admn.II/2009, dated: 05.03.2010.

9. In view of the decision taken in the case of Smt M. Kamala Kumari and representations submitted by Smt B.S. Vidya Sagar, Smt S.K.Arifa Begum, and Sri M. Bharath Bhushan on the directions of Hon'ble A.P. High Court dated: 25.01.2010 vide reference 7th read above, the matter has been reexamined and orders were issued in the reference 10th read above for retaining them in the Directorate of Insurance because they have been continued in the Directorate of Insurance on the Interim Orders of APAT dated: 18.09.2006 and 28.09.2006 for the last 3 ½ years. They were all transferred to Directorate on the occasion of

formation of the District Offices during 1998 and re-fixing of the cadre strength. They have also foregone their seniority and took last rank in the Directorate in the seniority and moreover they are all almost nearing to retirements. During the process of implementation of Presidential Order the cases of Smt.M.Kamala Kumari, Smt.B.S.Vidya Sagar, Smt.S.K.Arifa Begum, Smt.P.Revathi Kumari, Sri.M.Bharat Bushan, were recommended by the Allotment Committee for their retention in the Directorate. But, during the examination of the report of the Allotment Committee their cases were not considered for retention in the Directorate on the ground that, there is no provision in the APGLI Service Rules for transfer of employees working in the units to the Directorate. As they were not considered for retention on the same ground of no provision APGLI Service Rules they are considered as similar in the nature. Hence, on the analogy of retention of Smt.M.Kamala Kumari in the Directorate, the cases of Smt.B.S.Vidya Sagar, Smt.S.K.Arifa Begum, Sri.M.Bharat Bushan were considered for retention in Memo.No.384/70/A2/Admn-II/2010, dated: 23.03.2010. In the same way orders were issued in Memo.No.10549/113/A2/Admn-II/2010, dated: 07.06.2010 in case of Smt.P.Revathi Kumari, Senior Accountant for her retention in the Directorate of Insurance. Thus, all the employees who challenged G.O.(P).No.189, Finance (Admn-II) Department, dated:1.07.2006 and continued in the Directorate of Insurance on the Interim orders of the APAT from 2006 onwards have been ordered to be continued in the Directorate of Insurance by way of issuing amendment to the above G.O duly deleting their names to put an end to this litigation, as the APAT took long time from 2006 to 2010 to give final judgment and if they are repatriated now to their allotted zones it may lead to many service complications like seniority etc.

10. In the above circumstances, Government hereby order that, the orders issued in Memo.No.2260/357/A2/Admn-II/2009, dated: 05.03.2010, Memo.No.384/70/A2/Admn-II/2010, dated: 23.03.2010, and Memo.No.10549/113/A2/Admn-II/2010, dated: 07.06.2010 cannot be withdrawn, since none of the above orders speak about promotion and reversion of Smt.Kanchana Latha. Therefore, Smt.M.Kamala Kumari, Smt.B.S.Vidya Sagar, Smt.S.K.Arifa Begum, Smt.P.Revathi Kumari and Sri.M.Bharat Bushan have to be continued in the Directorate of Insurance. Hence, it is not possible to implement the orders of APAT dated: 01.04.2010 and 07.04.2010 in O.A.No.1988/2010. The amendment to the G.O.1st cited shall be issued separately in relaxation of the APGLI Service Rules in respect of the above employees.

11. The Director of Insurance, Hyderabad shall take necessary action in the matter accordingly.

12. "Copy of this order is available on Internet and can be accessed at address <http://www.ap.gov.in/goir>".

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

L.V.SUBRAHMANYAM
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director of Insurance,
A.P., Hyderabad.
Copy to
SF/SCs

//FORWARDED::BY ORDER//

SECTION OFFICER